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38724
OSI PHARMACEUTICALS, INC
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In re Application of
FYFE *et al*
Application No.: 10/584,025
PCT No.: PCT/GB2004/050046
Int. Filing Date: 23 December 2004
Priority Date: 24 December 2003
Attorney Docket No.: NC-10009/US
For: HETEROCYCLIC DERIVATIVES AS
GPCR RECEPTOR AGONISTS

DECISION

This decision is in response to the papers filed 21 January 2009 which are treated as a renewed petition to change the name of an inventor.

BACKGROUND

On 24 November 2008, a decision dismissing applicants' petition to change the name of an inventor was mailed. Applicants were given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 21 January 2009, applicants filed a renewed petition which was accompanied by, *inter alia*, a statement of the inventor whose name has changed.

DISCUSSION

Section 605.04(c), *Inventor Changes Name*, of the MPEP lists the procedures required to change the name of an inventor and states, in part:

The petition must include an appropriate petition fee and an affidavit signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order.

In the original petition, petitioners submitted the \$400.00 petition fee but did not provide an affidavit signed by the inventor whose name had changed as required. Hence, applicants' request to change the name of the inventor from Lisa Gardner to Lisa Bertram was dismissed without prejudice.

In the renewed petition, applicants have provided a statement by the inventor

whose name has changed which lists both names and indicating that the change was as a result of marriage.

This is sufficient for a grantable petition.

CONCLUSION

The renewed petition under 37 CFR 1.182 is **GRANTED**.

The declaration submitted 26 August 2008 is now in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 23 December 2004, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 26 August 2008.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing



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